

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEFENDANT'S MOTION TO EXTEND TIME TO  
FILE ITS PRETRIAL STATEMENT/SUMMARY JUDGMENT MOTION

AND NOW, comes Defendant, United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Rebecca Ross Haywood, an Assistant United States Attorney for said District, and pursuant to Fed. R. Civ. P. 6(b) (1), files the following Motion to Extend Time to File Its Pretrial Statement/Summary Judgment Motion Pending this Honorable Court's ruling on Defendant's Motion to Dismiss for Failure to Prosecute. In support thereof, the Defendant United States avers as follows:

1. Defendant's Pretrial Statement and/or Motion for Summary Judgment is currently due on July 5, 2005.

2. Defendant, however, has filed a Motion to Dismiss for Failure to Prosecute pursuant to Fed. R. Civ. P. 41 based on Plaintiff's failure to comply with the discovery process and/or his failure to respond and file documents (including a pretrial statement) as ordered by the Court.

3. As a result, Defendant respectfully requests that the Court grant Defendant an extension of time to file its pretrial statement and/or motion for summary judgment pending resolution of Defendant's Motion to Dismiss for failure to prosecute.

WHEREFORE, the Defendant respectfully requests that this Honorable Court grant Defendant an extension of time to file its pretrial statement and/or motion for summary judgment pending resolution of Defendant's Motion to Dismiss for failure to prosecute.

A proposed order is attached.

Respectfully submitted,

MARY BETH BUCHANAN  
UNITED STATES ATTORNEY

By: /s/ REBECCA ROSS HAYWOOD  
Assistant U.S. Attorney  
Western District of Pa.  
700 Grant St.  
Suite 400  
Pittsburgh, PA 15219  
(412) 644-3500  
Pa. Bar No. 74579

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

**ORDER OF COURT**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, upon  
consideration of Defendant's Motion to Extend Time to File its  
Pretrial Statement/Summary Judgment Motion,

IT IS HEREBY ORDERED that said Motion is **GRANTED**, and Defendant's Pretrial Statement and/or a Motion for Summary Judgment, shall be filed within thirty days after this Court's ruling on the Defendant's Motion to Dismiss for Failure to Prosecute, if such a filing is necessary.

—, J.

cc: parties of record

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_ day of July, 2005, I have served a copy of the within Motion via first-class mail, upon the following:

Marvin Alberto Vivas-Morales  
84818  
York County Prison  
3400 Concord Rd.  
York, PA 17402

/s/ REBECCA ROSS HAYWOOD  
Assistant U.S. Attorney